

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

MICHAEL S. BAUGHMAN, #1871886	§	
VS.	§	CIVIL ACTION NO. 2:18cv188
TINA RICHARDSON, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Michael Baughman, a prisoner confined at the Wayne Scott Unit within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this civil rights action alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge, the Honorable Judge Roy S. Payne, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On April 7, 2020, Judge Payne issued a Report, (Dkt. #9), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to comply with an order of the Court. Specifically, Judge Payne found that Plaintiff failed to pay the partial, initial filing fee within thirty days as ordered. A copy of this Report was sent to Plaintiff at his address, with an acknowledgment card. The docket reflects that Plaintiff received a copy of the Report on April 27, 2020, (Dkt. #10). However, to date, no objections to the Report have been filed. While Plaintiff has filed a letter, (Dkt. #11), his letter references a transfer order in another lawsuit Plaintiff filed in this Court and a deduction of money from his trust account as a result—which does not address the substance Judge Payne's Report or Plaintiff's failure to comply with this particular order.

Because objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #9), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled civil rights proceeding is **DISMISSED**, without prejudice, for the failure to comply with an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

So ORDERED and SIGNED this 9th day of September, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE